

Planning Commission Staff Report

July 24, 2013
Item 5.a.

SUBJECT: P13-2023

APPLICANT: ACRE Investment Company, LLC for Golden State College of Court Reporting and Captioning

PROPERTY OWNERS: Westmar I 7901, LLC /Westmar II 7901, LLC

PURPOSE: Application for a Conditional Use Permit to operate a college for adult education.

GENERAL PLAN: Retail/Highway/Service Commercial, Business and Professional Offices

ZONING: Regional Commercial – periphery District

LOCATION: 7901 Stoneridge Drive, Suite 105

EXHIBITS:
A. Draft Conditions of Approval
B. Applicant Narrative and Project Plans
C. Location and Noticing Map

BACKGROUND

Golden State College of Court Reporting and Captioning is proposing to locate at 7901 Stoneridge Drive, Suite 105. The subject site is located within the Regional-Commercial-periphery zoning district, where schools and colleges with more than 20 students at one time are subject to Conditional Use Permit approval, and thus the applicant has submitted the subject application.

SITE DESCRIPTION

The subject property is located at the intersection of Foothill Road and Stoneridge Drive, near Stoneridge Mall. The site is bounded by Foothill Road to the west, Stoneridge Drive to the south, Laurel Creek Way to the north, and a vacant parcel owned by Kaiser Permanente and Kaiser Permanente medical facilities further to the east. Figure 1 provides photographs of the site and building.

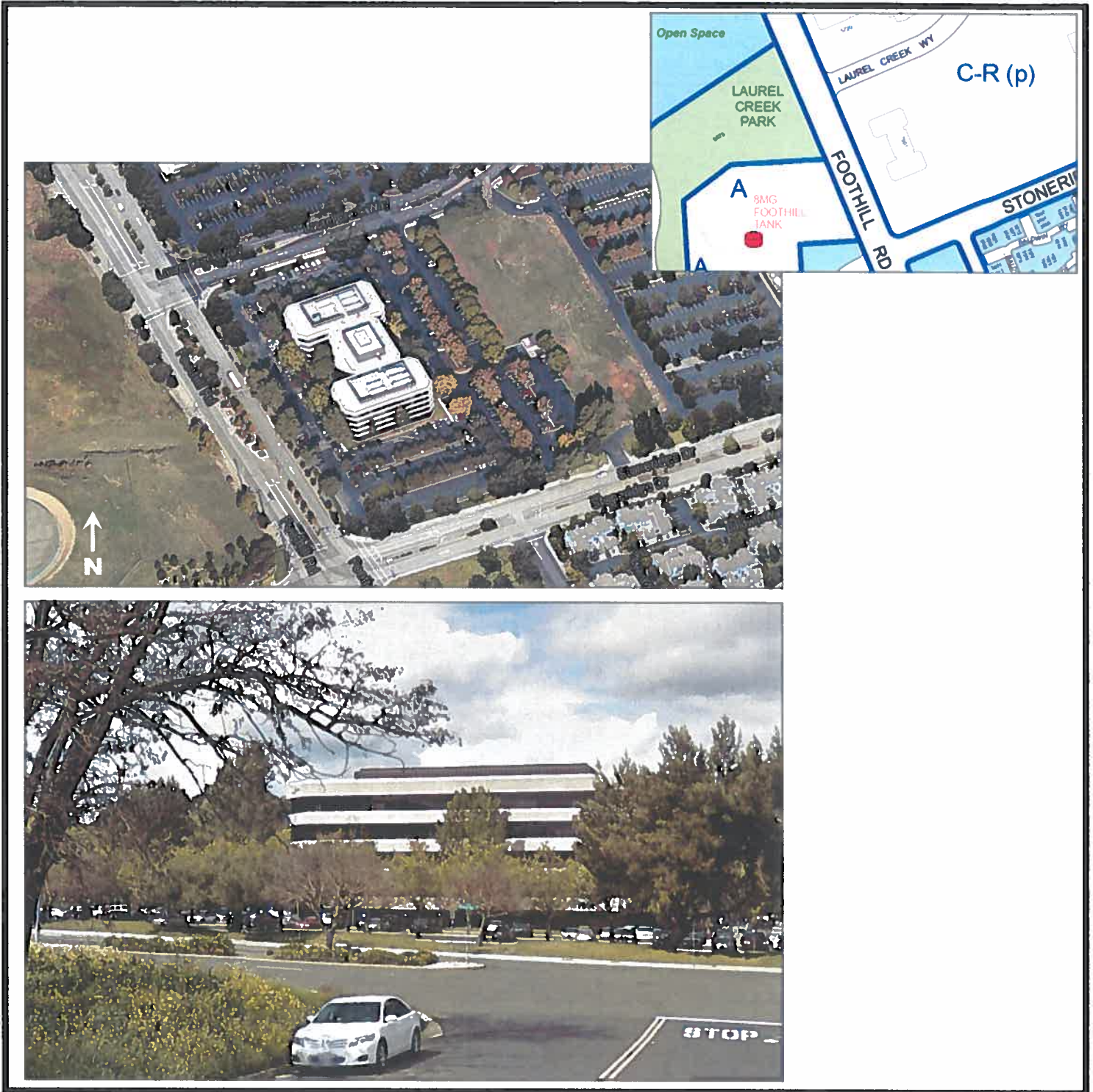


FIGURE 1: Photographs of subject site and subject building (Google Maps and Google Street View)

Access to the site is provided from Stoneridge Drive and from Laurel Creek Way. A parking lot surrounds the building. The five-story subject building is approximately 172,129 square feet in size. Businesses currently occupying the building include: Bay East Association of Realtors, Robert Half International, Ovation Payroll, Leapforce, Rockin' Jump Corporate, and other similar office uses.

Figure 2 shows a site plan, first floor building plan, and the subject tenant space floor plan. The subject tenant space is approximately 5,259-square-foot in size and is located on the first floor of the building. The floor plan consists of 4 classrooms, a small break room with vending machine, and 6 offices. Students and staff of the college will have access to common restrooms found on each floor of the building. Entrance to the tenant space is from the front lobby of the building. No exterior changes are proposed.

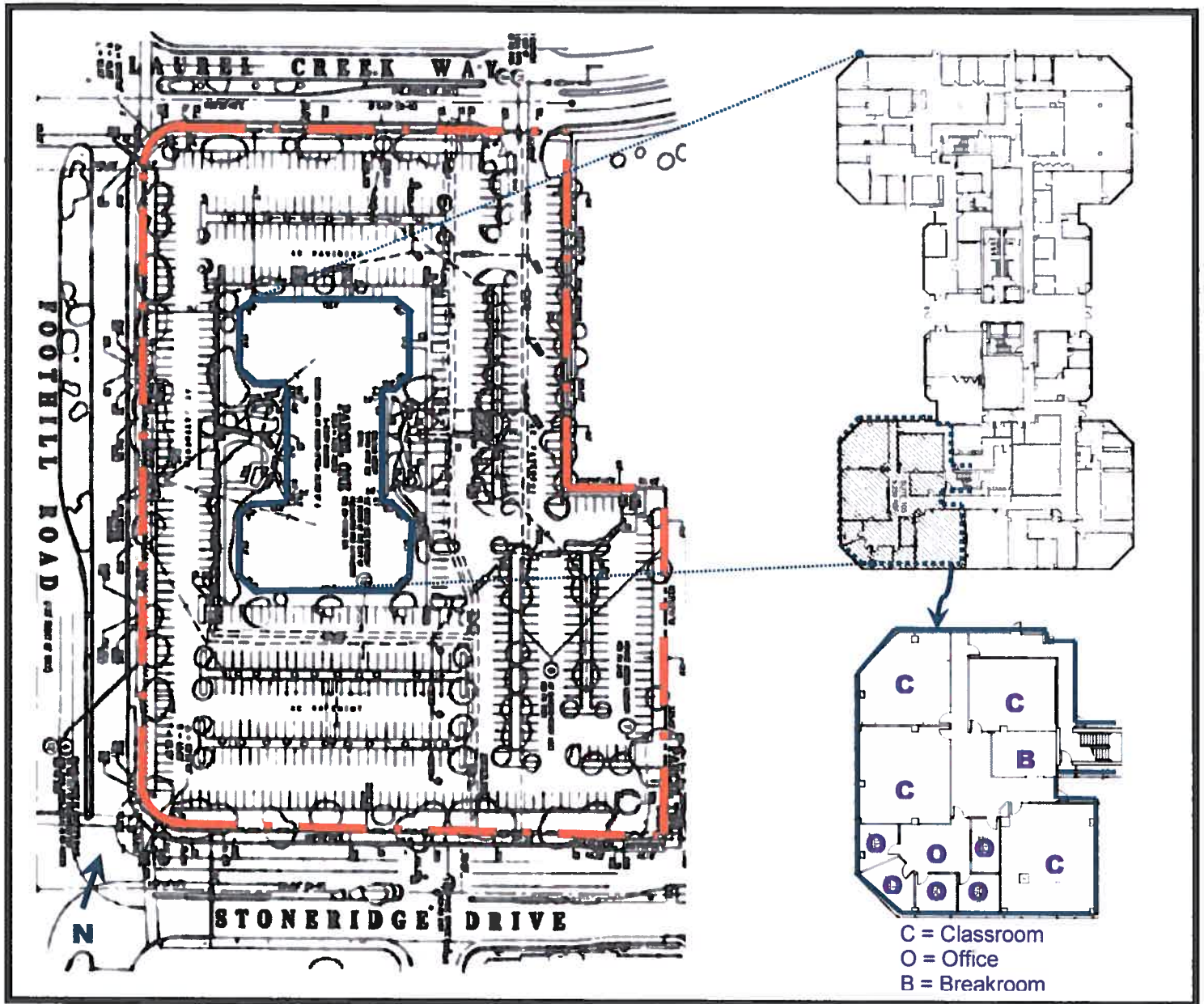


FIGURE 2: Site Plan and Proposed Floor Plan

PROJECT DESCRIPTION

The proposed conditional use permit is to operate a college for adult education at the subject location. The Golden State College of Court Reporting and Captioning offers educational training in transcription, reporting, data entry, and captioning for careers in judicial reporting,

broadcast captioning, publishing transcription, and others. Instruction consists mainly of lecture and discussion, and occasional simulated court sessions. Class sizes range between 3 and 15 students. The proposed use would operate with the schedule outlined in Table 1.

TABLE 1: Operational Details

	DAYS OF WEEK	HOURS	MAXIMUM NUMBER OF PEOPLE
STUDENTS	Monday – Friday	9:30am – 2:30pm	30 students
	Saturday	Closed	0
	Sunday	Closed	0
FACULTY	Monday – Friday	8:30am – 3:30pm	2 full-time and 4 part-time, (6 faculty total) Maximum concurrently present on any given weekday is 5 faculty
	Saturday	Closed	0
	Sunday	Closed	0
ADMINISTRATIVE STAFF	Monday – Friday	8:30am – 3:30pm	3 full-time administrative staff
	Saturday	Closed	0
	Sunday	Closed	0

As noted in Table 1, instruction time ranges between 9:30 a.m. and 2:30 p.m. and faculty and administrative staff are present one hour earlier and one hour later than these times. If all 30 students, 5 faculty, and 3 administrative staff are present at one time, a total of 38 people would be at facility. The college is closed on Saturdays and Sundays.

ANALYSIS

Conditional uses are those uses which, by their nature require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. The following sections seek to provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

Land Use

The subject site has a General Plan designation of Retail/Highway/Service Commercial, Business and Professional Offices. The property is zoned Regional Commercial – periphery District. Schools and colleges with more than 20 students at one time are conditionally permitted uses on the subject site.

One of the primary objectives in reviewing a Conditional Use Permit application is to ensure that impacts to adjacent land uses are minimal. The proposed college will be located indoors within an enclosed building. Land uses on surrounding properties include office uses across Laurel Creek Way to the north, Laurel Creek Park and open space across Foothill Road to the west, a vacant parcel and Gold Creek townhomes across Stoneridge Drive to the south, and a vacant parcel and the Kaiser Permanente medical offices to the east.

The proposed college would hold classes on weekdays between 9:30 a.m. to 2:30 p.m. and would be closed on Saturdays and Sundays. Instruction entails a lecture and discussion between students and faculty, and occasional simulated court sessions. There are no laboratories for experiments or operational components that would be disturbing to adjoining tenants.

Parking

The applicant's materials note that a total of 609 parking spaces (including 13 ADA spaces) are on the subject property. The subject building is approximately 172,129 square feet in size and it was thus constructed at an approximate parking ratio of 1 parking space per 283 square feet. Golden State College of Court Reporting and Captioning proposes to occupy a 5,259 square foot suite and therefore approximately 19 spaces are "theoretically" allocated to the suite. However, there are no assigned parking spaces in this development.

Pleasanton Municipal Code Section 18.88.030(E)(2) addresses parking requirements for business and professional trade colleges, and requires one space for each employee (including teachers and administrators) and one additional space for each two students 16 years or older. Application of this ratio yields a total parking requirement of 23 spaces (8 spaces for the faculty and administrative staff and 15 spaces for students).

If all classes were to run at the same time and assuming that all administrators, maximum number of faculty at one time, and students drove alone, a total of 38 parking spaces would be needed. However, the applicant notes that approximately 50% of the student body utilizes BART to travel to and from the site. Therefore, assuming all 5 faculty members present at one time and 3 administrators drove separately, and 15 of the maximum 30 students drove separately, 23 spaces would be required. However, in addition to the use of public transit by students, the applicant notes that it is rare that all 30 students would be at the facility at one time, further reducing the parking demand.

In summary, the proposed use is not expected to result in traffic or parking issues. The building's close proximity to the BART station makes public transit a more attractive option for students. Finally, if parking or circulation problems occur in the future, staff has included a condition of approval that allows the Director of Community Development to refer the Conditional Use Permit back to the Planning Commission for possible mitigation measures.

Noise

A proposed conditional use must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to "promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and objectionable intrusions."

The PMC establishes noise limits for commercial zoned properties. For commercial zoned properties, PMC Section 9.04.040 states that,

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on commercial property, a noise level in excess of 70 dBA at any point outside of the property plane, unless otherwise provided in this chapter.

The proposed college consists of lecture and discussion between faculty and students. No activities that could be noisy or disturbing to the adjacent tenants are a part of the business operation. Therefore, any noise associated with the subject business due to concurrent classes is expected to be nominal and is not expected to negatively impact surrounding businesses.

Staff does not believe that noise will be of concern to businesses that are tenants of the same building or businesses located on surrounding properties. Also, the building is located in a mainly commercial area, and the nearest residential uses are across Stoneridge Drive to the south. If concerns regarding noise arise in the future, a condition of approval allows the Director of Community Development to refer the Conditional Use Permit back to the Planning Commission for possible mitigation measures.

Tenant Improvements

The applicant proposes interior tenant improvements consisting of modifying an entrance to the suite and dividing an existing larger office space into three offices. These improvements are subject to review and approval by the Building and Safety Division and by the Livermore-Pleasanton Fire Department.

Signage

No signage is proposed as part of this application. A condition of approval requires the applicant to secure City approval should any signage be desired in the future.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and residential tenants within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this report was prepared, staff has not received any comments or concerns.

GENERAL PLAN CONSISTENCY

The Land Use Element and Public Facilities and Community Program Element of the General Plan state several goals, policies, and programs that support the proposed project.

LU Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.

- LU Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- LU Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.
- LU Program 15.2: Promote the location of business services in Pleasanton to support industrial, commercial, and office complexes.
- PFCP Policy 7: Encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages.

Golden State College of Court Reporting and Captioning will further these goals and programs in that it will provide adult educational opportunities to the community of Pleasanton and surrounding communities. The proposed college would be relocating to Pleasanton and the site's proximity to the BART station would make the educational opportunities offered by the college also available to people outside the immediate Tri-Valley region. Additionally, conditions of approval are included for the use to prevent potential noise pollution, issues regarding parking and circulation, and other harmful intrusions. The use is compatible with other uses within the building and uses surrounding the property and is located with a substantial distance to existing residential neighborhoods.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The subject site is zoned Regional-Commercial-periphery (C-R-p). One of the objectives of commercial districts is to provide space for institutions.

Staff believes the proposed use as conditioned would be consistent with the objectives of the zoning ordinance and the C-R(p) District purpose in that it would provide a location for a college that offers educational opportunities. The location of the college is in close proximity to the BART station, which will make the educational opportunities offered by Golden State College of Court Reporting and Captioning available to people in Pleasanton, the Tri-Valley region, and the greater Bay Area. Additionally, adequate parking on the site exists for students who drive to the subject

location, and since a significant proportion of the student body is expected to take public transportation, the proposed use is not expected to cause parking conflicts. The subject site is currently surrounded by commercial uses and a substantial buffer exists between the property and existing residential uses. Therefore, staff believes that this finding may be made.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

The proposed college will be operated in a manner such that the public health, safety, and welfare will not be compromised. Staff does not expect significant concerns to arise from the proposed use since the proposed class size, hours of operation, and teacher-to-student ratio will ensure that it operates in harmony with the surrounding uses. Further, the conditions of approval require the applicant to mitigate potential nuisances that may arise with the proposed use or possible future use. Staff believes that this finding may be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

The zoning of the subject site permits the establishment of schools and colleges for adult education with more than 20 students at one time subject to conditional use permit approval. The proposed use, as conditioned, would comply with applicable provisions of the zoning ordinance. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. The proposed use, as conditioned, will be integrated within the existing building without detrimentally impacting the surrounding properties or the City in general. Therefore, staff believes that this finding may be made.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

The subject conditional use permit will allow Golden State College of Court Reporting and Captioning to locate and operate within the subject building at 7901 Stoneridge Drive. The proposed business operation, as conditioned, will be compatible with surrounding land uses and will not create a conflict with respect to parking, noise, or other nuisance and is expected to be compatible with surrounding land uses. Therefore, staff believes the proposal merits approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P13-2023 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case P13-2023 subject to the conditions listed in "Exhibit A."

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